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**BEFORE THE TENNESSEE WATER QUALITY CONTROL BOARD**

**IN THE MATTER OF:**

**ULTRA, LLC**

**RESPONDENT**

) **DIVISION OF WATER**  
) **POLLUTION CONTROL**  
)  
) **CASE NO. 05-048D**  
) **OGC NO. 05-0638**  
)  
) **DOCKET NO. 04.30-094988A**

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**AGREED ORDER**

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This matter came to be heard before the Tennessee Water Pollution Control Board upon the Director's Order and Assessment of Civil Penalty, as the Commissioner's duly authorized representative, and the Respondent's Petition to Appeal. The Board, a quorum present, hereby adopts the following Findings of Fact, Conclusions of Law, Order and Assessments to which the parties have agreed, as evidenced by the signatures below.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The facts set out in Paragraphs VII through XIV of the Director's Order issued November 8, 2005, are adopted by the Board and incorporated herein by reference.

**ORDER**

**WHEREFORE, PREMISES CONSIDERED,** the Board hereby ORDERS that:

1. The Respondent shall, within ONE YEAR of receipt of this Agreed Order, attend Fundamentals of Erosion and Sediment Control Workshop provided by the Tennessee Department of Environment and Conservation, and submit documentation of successful completion to the Knoxville Environmental Field Office and a copy to the manager of the Enforcement and Compliance Section of

the Division of Water Pollution Control at the respective addresses above.  
Information can be found on the program website at <http://www.tnepsc.org/>.

2. The Respondent is hereby assessed a CIVIL PENALTY in the amount of  
**FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00)**, payable as follows:
  - i. The Respondent shall, within THIRTY DAYS of receipt of this Agreed Order, pay to the division THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00).
  - ii. The Respondent shall, within THIRTY DAYS of default, pay to the division ONE THOUSAND DOLLARS (\$1,000.00) in the event the Respondent fails to comply with Item 1. above.
3. The Respondent shall, within THIRTY DAYS of receipt of this Agreed Order, pay to the division DAMAGES in the amount of SEVEN HUNDRED NINETY-TWO DOLLARS AND THIRTY-SEVEN <sup>CENTS</sup> ~~CENTS~~ (\$792.37).
4. The Respondent shall otherwise conduct business in accordance with the Act and rules promulgated pursuant to the Act.

### REASONS FOR DECISIONS

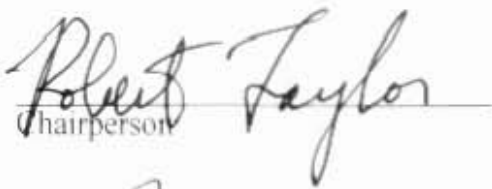
The Board approves this Agreed Order because it is a fair and reasonable settlement of the matter. The Board also approves of settlements in that they conserve the resources of the Department and the Board.

## RESERVATION OF RIGHTS

Respondent Ultra, LLC does not admit or agree to the factual allegations or the alleged violations of law contained in this Agreed Order. It agrees to comply with this Agreed Order to avoid the cost of protracted litigation. It reserves the right to contest the factual allegations and alleged violations contained in this agreed Order in any proceeding other than a proceeding brought by TDEC to enforce the terms of this Agreed Order.

**APPROVED FOR ENTRY:**

**FOR THE TENNESSEE WATER QUALITY CONTROL BOARD:**

  
Chairperson



Devin M. Wells, BPR #021059  
Tennessee Department of Environment & Conservation  
Office of General Counsel  
20<sup>th</sup> Floor, L & C Tower  
401 Church Street  
Nashville, TN 37243-1548



Steven E. Schmidt, BPR#010328  
Attorney for Respondent, Ultra, LLC  
Kennerly, Montgomery & Finley, PLC  
550 Main Street, 4<sup>th</sup> Floor  
Knoxville, TN 37902-2502

Entered in the Office of the Secretary of State, Administrative Procedures Division, this

20<sup>th</sup> day of July, 2007.

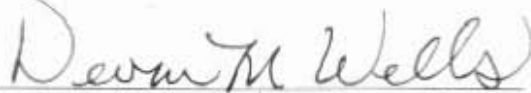


Thomas G. Stovall, Director  
Administrative Procedures Division

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon all interested parties by delivering same to their offices or by placing a true and correct copy of same in the United States mail, postage prepaid.

This 20<sup>th</sup> day of July, 2007.



Devin M. Wells, Assistant General Counsel

by KLK